

SENATE BILL 163

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(PRE-FILED)

By: **Senator M. Washington**

Requested: October 15, 2024

Introduced and read first time: January 8, 2025

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Health – General Article – References to Mental Health**

3 FOR the purpose of replacing references to mental hygiene with references to mental health
4 in certain provisions of law governing public health; and generally relating to
5 references to mental health.

6 BY repealing and reenacting, with amendments,

7 Article – Health – General

8 Section 2–105(a) and 10–208; 16–301 and 16–303(b) to be under the amended
9 subtitle “Subtitle 3. Special Provisions as to Mental Health”; and 24–1105(b)

10 Annotated Code of Maryland

11 (2023 Replacement Volume and 2024 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Health – General**

15 2–105.

16 (a) The Secretary shall establish general policy for, and adopt standards to
17 promote and guide the development of, the physical and mental [hygiene] **HEALTH** services
18 of this State and its subdivisions.

19 10–208.

20 (a) (1) There is a continuing, nonlapsing Mental [Hygiene] **HEALTH**
21 Community–Based Services Fund.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) The purpose of the Mental [Hygiene] **HEALTH** Community–Based
2 Services Fund is to ensure that funds realized from the sale or lease of Behavioral Health
3 Administration facilities as the result of downsizing, consolidation, or closure are used to
4 provide community–based services.

5 (b) Notwithstanding any other provision of law, if any Behavioral Health
6 Administration facility is downsized, consolidated, or closed, all State property associated
7 with the facility that is not transferred to another governmental entity shall be sold or
8 leased at fair market value, and the net proceeds of the sale or lease shall be deposited into
9 the Mental [Hygiene] **HEALTH** Community–Based Services Fund.

10 (c) (1) If a facility operated by the Behavioral Health Administration is
11 downsized, consolidated, or closed such that the net resident population declines or if a
12 facility is closed or consolidated and bed capacity levels remained unchanged:

13 (i) State general funds may be appropriated as necessary, in
14 advance, to assist in the downsizing;

15 (ii) Any funds in the Mental [Hygiene] **HEALTH** Community–Based
16 Services Fund:

17 1. May not supplant resources for existing community
18 services; and

19 2. Shall be used to meet the needs of individuals leaving
20 facilities to enter community–based services; and

21 (iii) Any funds remaining after meeting the needs of individuals
22 identified in subparagraph (ii)2 of this paragraph shall be used to increase the availability
23 of:

24 1. Affordable housing and employment opportunities for
25 individuals with mental illness; and

26 2. Community mental health services designed to promote
27 recovery and community integration, including development of the Maryland Mental
28 Health Crisis Response System established under Subtitle 14 of this title.

29 (2) Funds in the Mental [Hygiene] **HEALTH** Community–Based Services
30 Fund shall be spent in accordance with a plan developed by the Behavioral Health
31 Administration in consultation with consumers, family members, providers, and mental
32 health advocates.

33 (d) On or before January 1 of each year, the Secretary shall prepare a report to
34 be submitted to the General Assembly and the Department of Legislative Services on the
35 Mental [Hygiene] **HEALTH** Community–Based Services Fund.

1 (e) Any unspent portions of the Mental [Hygiene] **HEALTH** Community–Based
2 Services Fund and any interest earned on money in the Waiting List Equity Fund may not
3 be transferred or revert to the General Fund of the State but shall remain in the Mental
4 [Hygiene] **HEALTH** Community–Based Services Fund to be used for the purposes specified
5 in this section.

6 Subtitle 3. Special Provisions as to Mental [Hygiene] **HEALTH**.
7 16–301.

8 Except as otherwise provided in this subtitle, Subtitle 2 of this title applies to a
9 recipient of services under the Maryland Mental [Hygiene] **HEALTH** Law.
10 16–303.

11 (b) (1) If any property of an individual admitted under the Maryland Mental
12 [Hygiene] **HEALTH** Law remains in the custody of a public facility for 1 year after the
13 death or escape of the individual, the administrative head of the facility shall investigate
14 to determine if any other person legally is entitled to that property.

15 (2) If such a person is not found:

16 (i) As much as possible of the account of the individual at the facility
17 shall be paid from the property; and

18 (ii) Any balance becomes the property of this State and shall be paid
19 into the General Fund of this State.

20 24–1105.

21 (b) In accordance with an appropriation approved by the General Assembly in the
22 State budget, the Comptroller shall transfer:

23 (1) The investment earnings of the Developmental Disabilities
24 Administration account of the Trust Fund into the Waiting List Equity Fund established
25 under § 7–205 of this article; and

26 (2) The proceeds and investment earnings of the Behavioral Health
27 Administration account of the Trust Fund into the Mental [Hygiene] **HEALTH**
28 Community–Based Services Fund established under § 10–208 of this article.

29 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2026,
30 the Maryland Department of Health shall conduct a thorough review of Department
31 regulations and adopt regulations to replace any reference to “mental hygiene” with
32 “mental health” for consistency with this Act.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2025.